

II. REMARKS / ARGUMENTS

A. Summary of the Amendments

Claims 1,8 and 13 have been cancelled without prejudice.

Claims 2, 9 and 14 have been rewritten in independent form and incorporate the subject matter of the base claims and any intervening claims.

Claims 3, 10 and 15 have been rewritten in independent form incorporating the subject matter of the base claims and any intervening claims.

Claim 12 has been amended to clarify the subject matter being claimed.

Claims 4-7 and 11 have been amended to modify the claim dependency.

The Applicant respectfully submits that the claims as amended contain only subject matter found in the original specification.

B. Statements of Rejection and Reply

35 U.S.C. §102 e)

The Examiner has rejected claims 1, 2, 4-9 and 11-14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,400, 804 (hereinafter referred to as Bilder).

Claims 1,8 and 13 have been cancelled without prejudice and as such the Examiner's rejections with regard to those claims are considered moot.

The Applicant respectfully submits that the claims of the application as amended are neither anticipated nor rendered obvious by the cited art, for the following reasons.

With respect to claim 2, the Examiner's attention is directed towards the following limitations of independent claim 2 as amended:

- 2) *A connection controller for setting up a media path to allow a user at one terminal to receive audio information from an audio source, said connection controller comprising:*
- a) *an input for receiving signaling information indicative of a type of audio information desired by a user residing at a known terminal, wherein the known terminal resides in either one of a packet-switched network domain and a circuit-switched network domain;*
 - b) *a directory of audio sources;*
 - c) *a processing unit responsive to the signaling information to:*
 - i) *search the directory of audio sources to select an audio source suitable to provide the audio information desired by the user, said processing unit utilizing information indicative of the domain in which the known terminal resides in selecting the audio source suitable to provide the audio information desired by the user;*
 - ii) *based on the searching generate control signals suitable for use in establishing a media path between the selected audio source and the known terminal;*
 - d) *an output to release the control signals.*

The applicant respectfully submits that Bilder does not disclose, teach nor suggest the subject matter of independent claim 2. Without limiting the generality of the foregoing, the applicant respectfully submits that Bilder does not disclose, teach nor suggest the above-emphasized limitation of independent claim 2. This limitation was present in claim 2 as originally filed. In the office action, the Examiner indicated that in Bilder "the terminals may be landline telephone connected to the telephone network or computers connected to the Internet". The Examiner then argued that from the preceding statement it follows that "the terminal resides in a circuit-switched, network domain or a packet-switched, network domain". From this, the Examiner makes the further argument to say that "The processing unit would utilize information indicative of the domain [...] in order to select and communicate with an Internet or telephonic audio source that is suitable for the user.[...]". The Applicant respectfully disagrees with the Examiner's interpretation. Nowhere in Bilder is it suggested that the processing unit utilize information indicative of the domain in which the known terminal resides during the selection of the audio source. The

excerpts referred to by the examiner do not imply in any way that the selection of the audio source is influenced by the network domain in which the known terminal resides. Rather, Bilder is completely silent on this matter. Although the terminal in Bilder may be a landline telephone connected to the telephone network or a computers connected to the Internet, it does not necessarily follow that the selection of the audio source has anything to do with the network domain. This is in contrast to the invention claimed in claim 2, in which the processing unit utilizes "information indicative of the domain in which the known terminal resides in selecting the audio source suitable to provide the audio information desired by the user." Consequently, the applicant respectfully submits that the subject matter of claim 2 is neither taught nor suggested by Bilder and requests that the Examiner withdraw his rejection with regard to claim 2.

Claims 9 and 14 have been rewritten in independent form and include limitations similar to those described with respect to claim 2. As such, for the same reasons as those set forth with respect to claim 2, the applicant respectfully submits that the subject matter of claims 9 and 14 is neither taught nor suggested by Bilder and requests that the Examiner withdraw his rejection with regard to claims 9 and 14.

Claim 3 has been rewritten in independent form and includes all the limitations of the base claim and any intervening claim. In the office action, the Examiner indicated that such an amendment would place claim 3 in condition for allowance.

Claims 4-7 and 11 have been amended to depend from claim 3. As such, claims 4-7 and 11 incorporate by reference all the limitations of claim 3 and are therefore also believed to be novel, non-obvious and in condition for allowance.

Claim 10 has been rewritten in independent form and includes all the limitations of the base claim and any intervening claim. In the office action, the Examiner indicated that such an amendment would place claim 10 in condition for allowance.

Claim 12 as amended reads as follows:

12. A connection controller for setting up a media path to allow a user at one terminal to receive audio information from an audio source, said connection controller comprising:

- a) input means for receiving signaling information indicative of a type of audio information desired by a user residing at a known terminal, wherein the known terminal resides in either one of a packet-switched network domain and a circuit-switched network domain;*
- b) directory means of audio sources means;*
- c) processing means responsive to the signaling information to:
 - 1) search the directory means to select an audio source means suitable to provide the audio information desired by the user, said processing means utilizing information indicative of the domain in which the known terminal resides in selecting the audio source means suitable to provide the audio information desired by the user, wherein when the directory means includes two or more audio sources means suitable to provide the audio information desired by the user and residing in different network domains, said processing means is operative to select the audio source means residing in the same network domain as the known terminal;*
 - 11) based on the searching generate control signals suitable for use in establishing a media path between the selected audio source means and the known terminal.**
- d) output means to release the control signals.*

The applicant respectfully submits that Bilder does not disclose, teach nor suggest the subject matter of independent claim 12. Without limiting the generality of the foregoing, and for the same reasons as those described with reference to claim 3, the applicant respectfully submits that Bilder does not disclose, teach nor suggest the above-emphasized limitation of independent claim 12.

Claim 15 has been rewritten in independent form and includes all the limitations of the base claim and any intervening claim. In the office action, the Examiner indicated that such an amendment would place claim 15 in condition for allowance.

Appl. No. 09/722,105

Reply to Office Action of Nov. 17, 2004

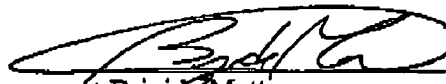
Patent
Attorney Docket No. 85070-24
(formerly 85773-333)

CONCLUSION

In view of the above, it is submitted that claims 2-7, 9-12 and 14-15 are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 2-7, 9-12 and 14-15 at an early date is solicited.

If the claims of the application are not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims or in making constructive suggestions so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,
SMART & BIGGAR



Brigitte Mattar
Reg. No. 51,284
Agent for the Applicant

Date: February 16, 2005

Smart & Biggar
1000 de la Gauchetière West,
suite 3400
Montreal, Canada
H3B 4W5
Tel: (514) 954-1500